

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MARLO MARQUEZ,

Plaintiff,

vs.

Civ. No. 01-445 WWD/LFG

THE CITY OF ALBUQUERQUE, OFFICER
ANDREW LEHOCKEY (both in his official
capacity as a police officer and individually),

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon the Motion for Partial Summary Judgment No. IV: Requesting the Entry of an Order Prohibiting Plaintiff From Alleging or Testifying That She Did *Not* Evade the Police by Fleeing on Foot Based on the Doctrine of Collateral Estoppel [docket no. 76] filed April 3, 2002. Plaintiff was arrested after car chase and possibly a chase on foot, and she was convicted of evading the police in Metropolitan Court. Defendant Andrew Lehoukey seeks to prohibit Plaintiff from alleging or testifying that she did not evade the police by fleeing on foot. The question of whether Plaintiff was fleeing on foot is an evidentiary fact which may or may not have been determinative of the result in the evading prosecution conviction.

WHEREFORE,

IT IS ORDERED that the Motion for Partial Summary Judgment No. IV: Requesting the Entry of an Order Prohibiting Plaintiff From Alleging or Testifying That She Did *Not* Evade

the Police by Fleeing on Foot Based on the Doctrine of Collateral Estoppel [docket no. 76] be,
and is hereby, DENIED.


UNITED STATES MAGISTRATE JUDGE